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Reply to  
Nashville Office

March 1, 2005

Deborah Taylor Tate, Director  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
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RE: Changes of Law Generic Docket Issues Matrix – Docket No. 04-00381

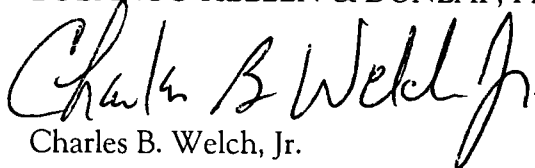
Dear Director Tate:

Please find enclosed for filing the original and fourteen (14) copies of our Change of Law Generic Docket Issues Matrix. The Southeastern Competitive Carriers' Association (SECCA) indicates that based on conversations among the CLEC community, SECCA believes this matrix is consistent with the CompSouth and joint CLEC's issues statements, but that those parties are still in discussion on their final filing as of the time of SECCA's last draft. However, the CLEC's will continue to work together to attempt to reach agreement on a joint filing which is consistent with the filings made today by each group. Please date stamp one copy for my records.

Thank you for your assistance regarding this matter. If you have any questions, or if I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP, PLC

  
Charles B. Welch, Jr.

CBW/jj

# CHANGE OF LAW GENERIC DOCKET ISSUES MATRIX

Comments of US LEC Inc. (US LEC): US LEC and BellSouth have negotiated and executed amendments to the existing Interconnection Agreement to implement the final TRO rules and the 252(i) revision to the FCC's rules. Consequently, as the parties have completed the change of law negotiations to implement the effective rules of the TRO, US LEC should not be required to make any additional changes to its amendment or be required to enter into any generic TRO amendment approved by the Commission (US LEC adds this as an issue to the matrix).

Comment of XO: XO maintains its position that the IRO issues that are "ripe" for adjudication, as listed below, should be decided immediately, without need for further negotiation between the parties, and prior to consideration of new, IRRO issues.

SECCA COMMENT: In connection with the issue descriptions that ask if the interconnection agreement should be "deemed" amended to include the FCC decision, SECCA's position is that no agreement should be "deemed" amended; the provisions of the FCC orders should be implemented in accordance with the language of such order and the contract requirements of the CIPCS' existing interconnection agreements regarding change of law.

NO.	ISSUE DESCRIPTION
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NO.	ISSUE DESCRIPTION
1	<p><b>FINAL RULES:</b> Should existing Interconnection Agreements previously approved by the TRA be amended pursuant to the change of law provisions of the CLICs' Interconnection Agreements (most of which require a 90-day negotiation period prior to bringing the matter to the Commission) to include the list of wire centers in which BellSouth claims are not impaired, a description of the UNEs that are no longer available, and the FCC's transition plan for switching, loops and transport as detailed in the FCC's Triennial Review Remand Order ("TRRO"), issued February 4, 2005, and after the appropriate negotiation period under the applicable change of law provisions, what is the appropriate list of nonimpaired wire centers, appropriate list of nonimpaired LNLs by wire center, and the appropriate transition plan to be implemented?</p> <p>1. <u>CLICCA Comment</u> - Additional issues may arise once the parties initiate negotiations of the proposed amendment language, as this issue is broad, and basically addresses the appropriate implementation of the final impairment rules. This issue is presented as a "placeholder" for issues that develop during negotiations or as a result of the parties' discussions and communications regarding implementation of the Final Rules /RRR</p> <p>2. Should Authority issue a "standstill order" to prevent BellSouth from unilaterally implementing the Final Rules /TRRO? (See NUTCO, KMC, Xpedius Motion for Emergency Relief)</p> <p>3. Are BellSouth's current wire center designations correct, and what process will be used to identify wire centers in the future as no longer being subject to full §251 loop transport unbundling obligations?</p> <p>4. What rates, terms and conditions (process) should govern the transition of §251 LNLs to §271 LNLs and/or other services?</p> <p>5. What process will be used to identify wire centers in the future as no longer qualifying for certain §251 unbundling relief?</p>
2	
3	<p><b>TRO - LINE SHARING</b> Pursuant to the 96 Act, are ILECs required to provide line sharing to new customers of CLECs after October 1, 2004?</p>
4	<p><b>TRO - LINE SHARING - TRANSITION</b> Should all ICAs negotiated or arbitrated under Section 251 and 252 of the 96 Act be amended to include the FCC's ordered transition (found in the TRO) for existing CLEC line sharing arrangements?</p> <p><u>CLICCA</u> BellSouth has resolved this issue with some CLICs. BellSouth should share the language of its resolution of this issue with various CLICs in order to reach resolution in an efficient manner in this docket.</p>
5	<p><b>TRO - LINE SPLITTING</b> Should all ICAs negotiated or arbitrated under Section 251 and 252 of the 96 Act be amended to remove the existing line splitting provisions and provide only that the ILEC will assist in facilitating line splitting?</p> <p><u>CLICCA</u> BellSouth has resolved this issue with some CLICs. BellSouth should share the language of its resolution of this issue with various CLICs in order to reach resolution in an efficient manner in this docket.</p>

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~~Deleted:~~ MANDAMUS In the event  
the FCC's TRRO is vacated or otherwise  
modified by a court of competent  
jurisdiction, should all ICAs negotiated or  
arbitrated under Section 251 and 252 of  
the 96 Act be deemed amended to be  
consistent with the court's order as of the  
effective date of the order or does the  
change of law provision of the  
Interconnection Agreement apply to such  
decision(s), which requires the parties to  
enter into a written amendment either  
mutually agreed to by the parties or as  
approved by the Commission through a  
dispute resolution proceeding?

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NO.	ISSUE DESCRIPTION
15	<b>TRO - EELS AUDITS.</b> Should all ICAs negotiated or arbitrated under Section 251 and 252 of the 96 Act be amended to allow ILECs to hire an independent auditor to conduct yearly AICPA-compliant audits to verify whether all EELs purchased by CLECs comply with the requirements of the TRO? <u>SECCGA</u> What are the appropriate terms from the IRO for incorporation into such amendment? To the extent that a CLEC has already negotiated an ILE audit amendment post-TRO should BellSouth be allowed to require renegotiation of such amendment based on the outcome of these proceedings?
16	<b>TRO - ENTERPRISE SWITCHING</b> Should all ICAs negotiated or arbitrated under Sections 251 and 252 of the 96 Act be deemed amended to eliminate any obligation for BellSouth to provide enterprise switching, as that term is defined in the TRO? <u>STX &amp; A</u> BellSouth has resolved this issue with some CLECs. BellSouth should share the language of its resolution of this issue with various CLECs in order to reach resolution in an efficient manner in this docket.
17	<b>252(d):</b> Should all ICAs negotiated or arbitrated under Sections 251 and 252 of the 96 Act be amended to incorporate the FCC's "entire agreement" rule regarding 252(d). Should BellSouth be allowed to require renegotiation of any existing IRO amendment or existing amendment regarding the FCC's "entire agreement" rule regarding 252(d) with a CLEC based on the outcome of these proceedings?
18	There is no rational basis for this issue; the issue of BellSouth's obligation to provide interoffice transport are subsumed in issue 1 above.
19	<b>Special Access to LNE conversions:</b> Should BellSouth be required immediately to implement the TRO's requirement to convert Special Access circuits to LNE loop pricing? Should BellSouth be allowed to require renegotiation of any existing IRO amendment resolving this issue with a CLEC based on the outcome of these proceedings? (PHASE ONE ISSUE: RIPE FOR ADJUDICATION)
20	<b>Commungling:</b> Should BellSouth be required immediately to honor its obligation to allow commungling as set forth in the FCC rules? Should BellSouth be allowed to require renegotiation of any existing TRO amendment resolving this issue with a CLEC based on the outcome of these proceedings? (PHASE ONE ISSUE: RIPE FOR ADJUDICATION)
21	*
22	* Need to consider adding issues regarding the following: (a) 271 LTNs and prices (TJLRIC until the FRA finds another methodology and set of rates is just and reasonable. Special access is not 271 loops and transport) (b) State law unbundling obligations (again at TJLRIC, no impairment finding needed, no FCC requirement that these things cannot be unbundled at TJLRIC) (c) ISP Remedial Fairness decision (addressing growth cap and new market rules)

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<b>Deleted:</b> TRO - TRANSPORT Should all ICAs negotiated or arbitrated under Sections 251 and 252 of the 96 Act be deemed amended to define dedicated transport to only include DSO level facilities between switches and w ure centers owned by BellSouth?	<b>Formatted:</b> Bullets and Numbering
<b>Deleted:</b> Requirement to engage in further negotiations or adopt generic provisions of TRO Amendment by US LEC. US LEC and BellSouth have engaged in negotiations pursuant to the change of law provision of the Interconnection Agreement to amend the Interconnection Agreement to implement the effective provisions of the TRO and executed such amendment on May 21, 2004. May BellSouth assert a right to renegotiate the provisions of the amendment to conform with its generic TRO amendment under the terms of the parties' Interconnection Agreement?	<b>Formatted:</b> Bullets and Numbering
<b>Deleted:</b> Requirement to engage in further negotiations or adopt generic provisions for 251(d) FCC rule change US LEC and BellSouth executed an amendment to implement the Interconnection Agreement to eliminate US LEC's ability to "pick and choose" pursuant to Section 252(d) which became effective December 9, 2004. May BellSouth assert a right to renegotiate the 252(d) provision under the terms of the parties' Interconnection Agreement?	<b>Formatted:</b> Bullets and Numbering